



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MARI			
Application No.:	10/76	7,638	
Confirmation No.:	5416		
Filing Date:	Janua	ry 29, 2004	
Examiner:	Not Y	et Assigned	
Group art unit:	1625		
Applicants:	Chari	fson et al.	
For:	GYR.	ASE INHIBITORS AND USES THE	REOF
			February 16, 2005 Cambridge, Massachusetts
Mail Stop Amendme Commissioner for Pa P.O. Box 1450 Alexandria, VA 223	atents	0	
TRANSMITTA	AL LET	TTER FOR INFORMATION DISC	CLOSURE STATEMENT
	dered an nd C1-3	ule 56, it is requested that the docum d made of record in the above-identi are attached. e is believed due because:	
		The Information Disclosure States (3) months of the filing date of the	
		The Information Disclosure Staten with the above-identified application	
		The Information Disclosure Staten with a Request for Continued Exam	
		The Information Disclosure States mailing of a first Office Action on t	nent is being filed prior to the he merits.
(c)	date o	nformation Disclosure Statement is of any final action, notice of alloward prosecution; and	
		Each item of information contained Statement was first cited in a comm office in a counterpart foreign ap- months prior to the filing of this Info	nunication from a foreign patent oplication not more than three

or

	cants: cation N	lo.:	Charifso 10/767,6	
				No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement; or
				The Director is hereby authorized to charge \$180.00 to Deposit Account No. 50-0725.
	(d)			nformation Disclosure Statement is being filed on or before the ent of the issue fee; and
				Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or
				No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement; and
				The Director is hereby authorized to charge \$180.00 to Deposit Account No. 50-0725.
$\boxtimes$	the Infe	ormat	ion Discl	by authorized to charge any additional fees that may be required for osure Statement, or credit any overpayment to Deposit Account No. ATE COPY OF THIS SHEET IS ATTACHED.

**Applicants:** Charifson et al. **Application No.:** 10/767,638

Respectfully submitted,

Michael C. Badia, Reg. No. 51,424 Agent for Applicants

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Mail Stop: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on February 16, 2005.



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On February 16, 2005

Date

- 1. Information Disclosure Statement (3 pages, in duplicate);
- 2. PTO-1449 Form (1 page, in duplicate);
- 3. Copy of References (B1-2, C1-3): and
- 4. Return Postcard Receipt.

Kimberly A. Coyne

Typed or printed name of person signing Certificate



INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Modified Form 1449/PTO

Application Number	10/767,638		
Filing Date	January 29, 2004		
First Named Inventor	Paul S. Charifson		
Group Art Unit	1625		
Examiner Name	Not Yet Assigned		
Attorney Docket Number	VPI/02-128 US		

	U.S.PATIENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate	

Exam Initials	Cite No.	Foreig Office	n Patent Document Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No	
	B1	wo	02/060879	Vertex Pharmaceuticals, Inc.	8 August 2002		
	B2	wo	03/105846	Vertex Pharmaceuticals, Inc.	24 December 2003		
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AT WELL	A.C.C.	OTHER NONPATENT LITERATURE DOCUMENTS
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	Cl	Kus et al., "Synthesis and Antimicrobial Activities of 5-fluoro-1,2,6-trisubstituted Benzimidazole Carboxamide and Acetamide Derivatives" Arch. Pharm. Pharm. Med. Chem., Vol. 334, No. 11, Pages 361-365, 2001.
	C2	Sun et al., "Synthesis and Evaluation of Terbenzimidazoles as Topoisomerase I Inhibitors" J. Med. Chem., Vol. 38, No. 18, Pages 3638-3644, 1995.
	C3	Hubschwerlen et al., "Pyrimido[1,6-a]benzimidazoles: A New Class of DNA Gyrase Inhibitors" J. Med. Chem, Vol. 35, No. 8, Pages 1385-1392, 1992.

<ul><li>a copy of this reference</li></ul>	e is not provided as it w	as previously cited by or submitted to the office in a prior application,	
U.S.S.N	_, filed	, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuatio	n,
continuation-in-part, and	d divisional application	3).	

Examiner Signature	Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant.